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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 002756

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TAGS: [PGOV](#) [KDEM](#) [IZ](#)

SUBJECT: COR COMMENCES ELECTION LAW DISCUSSION, APPROVES
INVESTMENT LAW

REF: A. BAGHDAD 2745

[1](#)B. BAGHDAD 2751

Classified By: Acting Deputy Chief of Mission Gary A. Grappo for reason
s 1.4(b) and (d).

Summary

[1](#)1. (C) As part of their process toward passing a new election law, on October 13 members of the Council of Representatives (COR) discussed elements of the law for three hours. Continuing where they left off on October 6 (Ref A), roughly thirty MPs took turns making public statements on key issues to be addressed within the law. After three hours of relatively calm proceedings with virtually no consensus on the critical question of Kirkuk, Speaker Ayad al-Samarra'i ended the session without specifying an end date for continued discussion. With interrogation of the Electricity Minister planned for October 14, the COR is unlikely to pass an election law by its self-imposed deadline of October 15. We assess that a third reading and a vote on the law is not likely before October 19. In an effort to keep the pressure on the COR, the Ambassador weighed in separately October 13 with Deputy Speakers Khalid Attiya and Arif Tayfour, as well as Kurdish bloc Leader Fuad Masoum and Iraqi National List head Ayad Allawi, raising the election law as well as the electoral commission (IHEC). Attiya, one of our more sober, thoughtful Shia contacts told the Ambassador that the amendments pertaining to Kirkuk were tremendously divisive and could ultimately sidetrack passage of the law and force a delay in the elections. He emphasized that the Speaker, with Attiya and the other deputy, needed to cut short debate on October 15, and bring the election law to a vote. At Attiya's urging, the Ambassador has arranged to see Speaker Samarra'i on October 14, to press this strategy. On the positive side, the COR approved the long-awaited amendment to the investment law and the UK Status of Forces Agreement, both of which we supported actively. END SUMMARY.

Draft Election Law Discussion

[1](#)2. (C) On October 13 -- after the COR passed the long-awaited investment law amendment (Ref B), and then the UK Status of Forces Agreement -- discussion of the election law began in earnest. Roughly 30 MPs, representing all major political blocs, lined up to make public statements on the election law. Over three hours, the discussion was varied and relatively civil, with most MPs expressing support for open list electoral systems and many others questioning the need to increase the number of seats in the parliament without new census data. (Note: The draft under discussion calls for 311 seats based on population estimates derived from the food ration card system. End Note.) While no one mentioned the possible removal of the chairman of the Independent High Electoral Commission -- which may yet come to a vote this week -- some MPs presented their ideas for

better oversight of IHEC and stronger anti-fraud measures for the election. The debate ranged all over the place, in short, with little sense of consensus or common vision of a way forward.

13. (C) Debate about Kirkuk sparked the strongest emotions during the session, with most Sunni Arabs lined up in support of a draft proposal that would allocate Kirkuk's COR seats by using a quota formula and would appoint a special committee to determine eligibility of voters before the elections. Kurdish parliamentarians sharply opposed such an arrangement, and warned that special arrangements for Kirkuk would lead them to push for similar quota seat allocations in Ninewa, Qthem to push for similar quota seat allocations in Ninewa, Diyala and Salah ad Din. Some Kurdish MPs suggested that a single nationwide district would be the best solution. At one point, Da'wa member Haidar al-Abadi suggested that the COR should just vote on the minimally necessary amendments this week -- in order to give IHEC guidance quickly -- and then continue discussion of Kirkuk later. No one took up this suggestion.

14. (C) This session of the COR ended without specific clarity on how to proceed on the election law. At one point, Deputy Speaker Khalid Attiya indicated discussion on the election law would resume on Thursday. In another moment near the end of the day, Legal Committee Chairman Baha al-Araji promised to take all of the recommendations into consideration to prepare a new draft amendment that would include only options for open or closed lists, multiple or single districts, and special needs voting (primarily focused on voting by security forces in advance of election day), as well as language to bring the law into conformity with the

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Constitution and Federal Court rulings. This was opposed by another member of the Legal Committee, Iman al-Assadi, who declared that all recommendations should be presented to the COR in a series of options. With interrogation of the Electricity Minister planned for October 14, and discussion of the law incomplete, we assess that a third reading and a vote on the election law is not likely before October 19, although discussion is likely to resume on October 15.

ATTIYA: ELECTION LAW DEBATE IS DIVISIVE

15. (C) In an effort to keep the pressure on the COR, the Ambassador weighed in separately October 13 with Deputy Speaker Khalid Attiya and other senior political leaders. Attiya told the Ambassador and POL M/C on October 13 that political parties were working in circles and unable to reach agreement on a wide variety of possible amendments. While the open list amendment would likely pass uncontested, he commented, amendments pertaining to Kirkuk had become the most divisive and were likely to "undermine the constitutional process and force a delay on the elections." Attiya said that it might be possible to cut through the political maneuvering and secure an election law if the leadership of the COR -- Speaker Samarra'i and the two deputy speakers -- agreed to stop debate on October 15. (NOTE: Attiya did not specify what would be in this draft law, other than that it would be the 2005 law amended to include an open-list system. END NOTE.) Attiya asked the Ambassador to persuade Speaker Samarra'i to accept this strategy and urge him to set Monday, October 19, for the third reading and vote prior to the October 15 COR session. Attiya also suggested the Ambassador reach out to KRG President Masoud Barzani in order to secure the Kurdish bloc's support for an October 19 vote on an election law that excludes references to Kirkuk. The Ambassador agreed to do so and has arranged to see Samarra'i the morning of October 14.

TAYFOUR ON OPEN LISTS, KIRKUK

16. (C) Also on October 13, Ambassador and his Senior Advisor for Northern Iraq met with Deputy House Speaker Arif Tayfour (KDP) and Kurdish Alliance Bloc Leader Fuad Masoum. Tayfour plainly stated that the debate over the draft election law will end October 15 and to expect a COR vote on the law October 19. Masoum stated that the Kurds do not want any reference to Kirkuk in the draft law and that concessionary seats should be allotted to every province (e.g., Kirkuk, Ninewa and Sulemaniyah) that had an increase in population reflected in the new voter registration. (NOTE: The 2005 law that is the base text the COR is using does not have special provision for Kirkuk. An amendment would be required. END NOTE.) He also indicated that the Kurdish Alliance would not stand in the way of an open list law. Tayfour claimed that the Kurds prefer closed list, citing that women and minorities fare better. They both said they want the elections to be on time. Masoum added that the Kurds do not support the removal of anyone at IHEC. Tayfour agreed with Masoum that there were violations in the provincial elections that should have been addressed earlier in the year. But at this late date, he asserted that any removal of IHEC commissioners would cripple the organization and delay elections. Masoum alluded to ISCI when he said that the unexpected losers of the provincial elections are pushing for IHEC removal. (COMMENT: Embassy believes that Qpushing for IHEC removal. (COMMENT: Embassy believes that ISCI and Fadhila are the principal backers of the push to unseat IHEC commissioners. END COMMENT.)

ALLAWI: ELECTIONS ARE KEY

17. (C) Commenting on slow negotiations in parliament over the election law, Ayad Allawi told the Ambassador and POL M/C that there might be enough support to withdraw confidence in IHEC out of frustration over the Prime Minister's "meddling" in the organization. He claimed that Maliki forced in a Da'wa loyalist as the new chief operating officer, which was the real reason behind moves to reshuffle IHEC commissioners. (COMMENT: The officer in question, Hamdia al-Husseini is regarded by the UN and other elections experts as one of the more competent commissioners on IHEC. She is credited with organizing the KRG elections in July. There were some irregularities but overall the election was viewed as credible and were accepted by the contestants and the voters. END COMMENT.) The Ambassador pushed back, noting that UNAMI and international partners such as the U.S. worked closely with IHEC and would have intervened if there was inappropriate GOI manipulation of the body. Allawi conceded

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that "everyone" realized that institutional change at IHEC would be disruptive this late in the process and told the Ambassador that he and others had proposed that the COR form a committee with outside experts to oversee IHEC's work, to ensure its impartiality.
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